IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1247 OF 2003

The State of Maharashtra. ...Appellant
V/s.
Ambadas Vithal Kadam. ...Respondent

Mrs.M.M. Deshmukh, APP for State.

CORAM : D.B. BHOSALE, J.

DATED : AUGUST 7, 2006

P.C. :-

. This appeal is directed against the Judgment and Order dated 2nd May, 2003 rendered by Judicial Magistrate, First Class, Barshi, acquitting the respondent accused of the offence punishable under Section 85(1), 66(1)(b) of the Bombay Prohibition Act and Section 116 punishable under Section 117 of the Bombay Police Act. He was charged for the aforesaid offences on the allegations that on 16th August, 1997 at 2.30 p.m. at Barshi, the respondent accused was found in a public place behaving in disorderly manner under the influence of Alcohol and for possessing the alcohol. The prosecution examined 12 witnesses. The Magistrate found that Medical evidence was not consistent and was not sufficient to hold the accused guilty of the

aforesaid charge beyond reasonable doubt.

. It appears that the mandatory provisions were not observed while conducting the medical examination. Considering the reasons recorded by the court below on appreciation of evidence on record, the impugned Judgment can not be termed as perverse and unreasonable. The view taken by the trial Court is reasonably possible view and does not deserve to be interfere with in the appeal against the acquittal of the offence that was committed in 1997.

. The appeal is, accordingly, dismissed.

(D.B. Bhosale, J.)